

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

Jerome D. Deal, : Case No. 1:24-cv-1681

Plaintiff, : Judge

vs. :

Craig Kallman, et al., :

Defendants. :

DEFENDANT CRAIG KALLMAN'S NOTICE OF REMOVAL

Defendant Craig Kallman hereby removes the case captioned *Jerome D. Deal v. Craig Kallman, et al.*, Case No. CV 24 102854, from the Cuyahoga County Court of Common Pleas to the United States District Court for the Northern District of Ohio, Eastern Division. In support of removal, Defendants state:

1. The Cuyahoga County Court of Common Pleas is within the Eastern Division of the Northern District of Ohio, making removal to this court proper under 28 USC § 1441(a) and 1446(a). Removal is based on diversity jurisdiction under 28 USC § 1332.

2. On August 27, 2024, plaintiff Jerome D. Deal ("Plaintiff") filed a Complaint against defendant Craig Kallman ("Kallman") and co-defendants Tommy Jones and Travis Johnson (collectively with Kallman, the "Defendants") in the Cuyahoga County Court of Common Pleas. True and accurate copies of the Summons and Complaint are attached as Exhibits A and B pursuant to 28 USC § 1446(a). These are the only documents that have been served on Kallman at this time.

3. Plaintiff alleges that the Defendants, through the course and scope of their employment and agency with John Does 1-50, published songs by the artist Kevin Jerome Gilyard p/k/a Kevin Gates ("Gates"), and that four of Gates' songs allegedly contain defamatory and libelous comments concerning Plaintiff.

4. Plaintiff Jerome D. Deal alleges that he is an individual who currently resides in Cuyahoga County, Ohio.

5. Defendant Kallman is an individual who currently resides in New York County, New York. Kallman was first served with the summons and Complaint on September 3, 2024, by United States Postal Service certified mail.

6. Plaintiff alleges that co-defendant Tommy Jones is an individual who currently resides in East Baton Rouge Parish, Louisiana. He has not been served with the summons and Complaint.

7. Plaintiff alleges that co-defendant Travis Johnson is an individual who currently resides in East Baton Rouge Parish, Louisiana. He has not been served with the summons and Complaint.

8. This notice was timely filed under USC § 1446(b) because it is being filed within 30 days of Defendant Kallman being first served with the Summons and Complaint.

9. This case may be removed under 28 USC § 1441 because this case could have been filed in this Court under 28 USC § 1332(a)(1) against Defendants Kallman, Tommy Jones and Travis Johnson. In this case, there is complete diversity of citizenship between Plaintiff and the Defendants because (a) the amount in controversy exceeds \$75,000.00; (b) Plaintiff is a citizen of Ohio; (c) Defendant Kallman is a citizen of New York; and (d) Defendants Tommy Jones and Travis Johnson are citizens of Louisiana.

10. Plaintiff's Complaint alleges claims for defamation and libel. The Complaint seeks compensatory and punitive damages in the amount of \$500,000.00, interest as allowed by law, costs of suit, and such other and further relief as this Court may deem just and proper, the total amount, according to Plaintiff, being \$740,000.00. (Complaint ¶ 13.) Thus, the amount in controversy easily exceeds \$75,000.00. Defendant Kallman's reasonable and plausible belief that the value of this case exceeds \$75,000.00 satisfies the amount in controversy requirement. *See Dart Cherokee Basin Operating Co., LLC v. Owens*, 574 U.S. 81, 87-88 (2014).

11. Based on the foregoing, and under 28 USC § 1332, this Court has jurisdiction over this action because the amount in controversy exceeds \$75,000.00 and the matter is between citizens of different states.

12. Defendant Kallman certifies that under Section § 1446(d), a copy of this notice is being promptly filed with the clerk of the Cuyahoga County Court of Common Pleas and will be promptly served upon Plaintiff.

WHEREFORE, Defendant Craig Kallman requests that this action be removed from the Cuyahoga County Court of Common Pleas to this Court.

Respectfully submitted,
BENSON & SESSER, LLC

/s/ William B. Benson
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CERTIFICATE OF SERVICE

This is to certify that a true and accurate copy of the foregoing Defendant Craig Kallman's Notice of Removal was served to all parties of record via regular U.S. mail, postage prepaid, on this 30th day of September, 2024.

/s/ William B. Benson

William B. Benson (#0047181)